



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0884/2

GMM:bjk:ph

NOTE

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RMR

DOA:.....Stinebrink, BB0230 - Graduated foster care licensing system

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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do not gen.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, any person who receives four or fewer children or, under certain circumstances, more than four children to provide care and maintenance for those children must obtain a license to operate a foster home and any person who receives four or fewer children to provide care and maintenance and structured, professional treatment for those children must obtain a license to operate a treatment foster home. A foster parent is reimbursed for basic maintenance according to age-related rates specified in the statutes and may receive supplemental payments for special needs, exceptional circumstances, and initial clothing allowances according to rates promulgated by DCF by rule. In addition, a treatment foster parent receives supplemental payments for providing treatment foster care. A relative who provides care and maintenance for a child is not required to obtain a foster home or treatment foster home license, but may, if he or she meets certain conditions, receive kinship care payments of \$215 per month or, if he or she has been appointed guardian of the child, long-term kinship care payments in that amount.

This bill eliminates kinship care and long-term kinship care payments and treatment foster homes as a separate licensing category effective on January 1, 2010. Instead, the bill requires DCF to promulgate rules regulating foster care as follows:

A person who is receiving kinship or long-term kinship care

payments on December 31, 2009, is considered to be licensed to operate a foster home beginning on January 1, 2010, and must be reimbursed for foster care at that

1. Rules providing levels of care that a foster home is licensed to provide. Those levels of care must be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee, and any other requirements relating to the ability of the licensee to provide for those needs that DCF may promulgate by rule.

2. Rules establishing a standardized assessment tool to assess the needs of a child placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home that is licensed to provide a given level of care may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed to provide.

3. Rules providing monthly rates of reimbursement for foster care that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home. Those rates are in addition to the basic maintenance rates for foster care and must include rates for supplemental payments for special needs, exceptional circumstances, and initial clothing allowances for children placed in a foster home.

4. Rules providing a monthly retainer fee for a foster home that agrees to maintain openings for emergency placements.

A person who is licensed to operate a treatment foster home or who is receiving kinship or long-term kinship care payments on December 31, 2009, is considered to be licensed to operate a foster home beginning on January 1, 2010, and must be reimbursed for foster care at the appropriate rate determined under the rules promulgated by DCF under the bill.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

auto ref AA
at P. 114, line 22

As affected by 2009 Wisconsin Act... (this act) Section *

1 SECTION 1. 20.410 (3) (ho) of the statutes is amended to read:

2 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for
3 providing foster care, ~~treatment foster care~~, group home care, and institutional child
4 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.
5 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment
6 for providing foster care, ~~treatment foster care~~, group home care, and institutional
7 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and

appropriate rate if the person passes the criminal history and child abuse background investigation required of foster parents.

(plan) { That excess shall be transferred to the appropriation account under par (km) as provided in 2009 Wisconsin Act 11 (this act) section 921(1) except that if those moneys generated exceed those costs 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation

1 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation
 2 account. If moneys generated by the daily rate exceed actual fiscal year foster care,
 3 ~~treatment foster care~~, group home care, and institutional child care costs by 2% or
 4 more, all moneys in excess of 2% shall be remitted to the counties during the
 5 subsequent calendar year or transferred to the appropriation account under par. (kx)
 6 during the subsequent fiscal year. Each county and the department shall receive a
 7 proportionate share of the remittance and transfer depending on the total number
 8 of days of placement in foster care, ~~treatment foster care~~, group home care, or
 9 institutional child care. Counties shall use the funds for purposes specified in s.
 10 301.26. The department shall deposit in the general fund the amounts transferred
 11 under this paragraph to the appropriation account under par. (kx).

12 **SECTION 2.** 20.437 (1) (b) of the statutes is amended to read:

13 20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule
 14 for services for children and families under s. 48.563, for reimbursement to counties
 15 having a population of less than 500,000 for the cost of court attached intake services
 16 under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster care,
 17 ~~treatment foster care~~, and subsidized guardianship care under ss. 48.645 and 49.19
 18 (10). Social services disbursements under s. 49.32 (2) (b) may be made from this
 19 appropriation. Refunds received relating to payments made under s. 48.47 (20) 49.32
 20 (2) (b) for the provision of services for which moneys are appropriated under this
 21 paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3)
 22 (a) and 20.002 (1), the department of children and families may transfer funds
 23 between fiscal years under this paragraph. The department shall deposit into this
 24 appropriation funds it recovers under s. 48.569 (2) (b), from prior fiscal year audit
 25 adjustments. Except for amounts authorized to be carried forward under s. 48.565,

XXXX NO 12/1 This is recalled by 2011 (3) (ho) This section
 has been affected by drafts with the following LRB #33
LRB-0884/2 and LRB-1494/1 numbers

all funds recovered under s. 48.569 (2) (b) and all funds allocated under s. 48.563 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 3. 20.437 (1) (cf) of the statutes is amended to read:

20.437 (1) (cf) ~~Foster, treatment foster and family-operated group home parent insurance and liability.~~ The amounts in the schedule to purchase insurance or pay claims as provided under s. 48.627.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

auto-rel A
at p. 114, line 22

as affected by 2009 Wisconsin Act 111 (this act)

SECTION 4. 20.437 (1) (dd) of the statutes is amended to read:

20.437 (1) (dd) ~~State foster care and adoption services.~~ The amounts in the schedule for foster care, ~~treatment foster care,~~ institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children ~~(plan)~~ for the cost of subsidized guardianship payments under s. 48.62 (5) under s. 49.19 (10) (d), ~~for the cost of the foster care monitoring system, for the cost~~ of providing, or contracting with private adoption agencies to assist the department in providing, services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and for the cost of providing postadoption services to children with special needs who have been adopted.

SECTION 5. 20.437 (1) (ke) of the statutes is amended to read:

20.437 (1) (ke) ~~Interagency and intra-agency aids; kinship care and long-term kinship foster care.~~ The amounts in the schedule for payments under s. 48.57 (3m) and (3n) 48.62 (4). All moneys transferred from the appropriation account under sub. (2) (md) to this appropriation account shall be credited to this appropriation account.

NOTE: This is reconciled to 20.437 (1) (22). This section has been affected by drafts with the following LRB numbers: LRB-0292/1 and LRB-0884/20

1 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
2 is transferred to the appropriation account under sub. (2) (kx).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 6.** 20.437 (1) (kd) of the statutes is amended to read:

4 20.437 (1) (kd) ~~Kinship care and long-term kinship~~ Foster care assessments.

5 The amounts in the schedule for assessments of ~~kinship care relatives, as defined in~~
6 ~~s. 48.57 (3m) (a) 2., and long-term kinship care relatives, as defined in s. 48.57 (3n)~~
7 ~~(a) 2., relatives~~ who provide care and maintenance for children to determine if those
8 ~~kinship care relatives and long-term kinship care relatives~~ are eligible to receive
9 payments under s. 48.57 (3m) or (3n) 48.62 (4). All moneys transferred from the
10 appropriation account under sub. (2) (md) to this appropriation account shall be
11 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
12 unencumbered balance on June 30 of each year is transferred to the appropriation
13 account under sub. (2) (kx).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 7.** 20.437 (1) (pd) of the statutes is amended to read:

15 20.437 (1) (pd) ~~Federal aid; state foster care and adoption services.~~ Federal aid; state foster care and adoption services. All federal

16 moneys received for meeting the costs of providing foster care, ~~treatment foster care,~~
17 institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the
18 plan ~~cost of~~ the cost of subsidized guardianship payments under ~~the cost of providing, or contracting~~
19 with private adoption agencies to assist the department in providing, services to
20 children with special needs who are under the guardianship of the department to
21 prepare those children for adoption, and the cost of providing postadoption services
22 to children with special needs who have been adopted. Disbursements for foster care

auto-rel B

at p. 114,
line 23

as affected by 2009 Wisconsin Act 111 (this act)

~~plan~~ a guardianship

(plan)

so

48.62 (kx)

(5)

CS
XXXXX (N 218) This is reconciled by 200437 (1) (pd) 0
This section has been affected by drafts with the following
LRB (P 3) LRB - 0292/1 and LRB - 0384/20
enumber

1 under s. 49.32 (2) and for the purposes described under s. 48.627 may be made from
2 this appropriation.

3 **SECTION 8.** 20.437 (2) (jm) of the statutes is amended to read:

4 20.437 (2) (jm) *Licensing activities.* The amounts in the schedule for the costs
5 of licensing child welfare agencies under s. 48.60, foster homes and treatment foster
6 homes under s. 48.62, group homes under s. 48.625, day care centers under s. 48.65,
7 and shelter care facilities under s. 938.22 (7). All moneys received for these licensing
8 activities and from fees under ss. 48.615, 48.625, 48.65 (3), and 938.22 (7) (b) and (c)
9 shall be credited to this appropriation account.

10 **SECTION 9.** 20.437 (2) (r) of the statutes is amended to read:

11 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
12 support collections trust fund, except as provided in par. (qm), all moneys received
13 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
14 received under ss. 767.57 and 767.75 for child or family support, maintenance,
15 spousal support, health care expenses, or birth expenses, all other moneys received
16 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
17 and all moneys received under s. 49.855 (4) from the department of revenue or the
18 department of administration that were withheld by the department of revenue or
19 the internal revenue service for delinquent child support, family support, or
20 maintenance or outstanding court-ordered amounts for past support, medical
21 expenses, or birth expenses, for disbursement to the persons for whom the payments
22 are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under
23 s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775
24 (2) (bm), for transfer to the appropriation account under par. (k). Estimated

1 disbursements under this paragraph shall not be included in the schedule under s.
2 20.005.

3 **SECTION 10.** 46.10 (14) (a) of the statutes is amended to read:

4 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person
5 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
6 under 18 years of age at community mental health centers, a county mental health
7 complex under s. 51.08, the centers for the developmentally disabled, the Mendota
8 Mental Health Institute, and the Winnebago Mental Health Institute or care and
9 maintenance of persons under 18 years of age in residential, nonmedical facilities
10 such as group homes, foster homes, ~~treatment foster homes~~, subsidized
11 guardianship homes, residential care centers for children and youth, and juvenile
12 correctional institutions is determined in accordance with the cost-based fee
13 established under s. 46.03 (18). The department shall bill the liable person up to any
14 amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
15 3rd-party benefits, subject to rules that include formulas governing ability to pay
16 promulgated by the department under s. 46.03 (18). Any liability of the patient not
17 payable by any other person terminates when the patient reaches age 18, unless the
18 liable person has prevented payment by any act or omission.

19 **SECTION 11.** 46.10 (14) (b) of the statutes is amended to read:

20 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
21 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
22 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
23 in a residential, nonmedical facility such as a group home, foster home, ~~treatment~~
24 ~~foster home~~, subsidized guardianship home, or residential care center for children
25 and youth shall be determined by the court by using the percentage standard

1 established by the department of children and families under s. 49.22 (9) and by
2 applying the percentage standard in the manner established by the department
3 under par. (g).

4 **SECTION 12.** 46.21 (2) (j) of the statutes is amended to read:

5 46.21 (2) (j) May exercise approval or disapproval power over contracts and
6 purchases of the director that are for \$50,000 or more, except that the county board
7 of supervisors may not exercise approval or disapproval power over any personal
8 service contract or over any contract or purchase of the director ~~which~~ that relates
9 to community living arrangements, adult family homes, or foster homes ~~or treatment~~
10 ~~foster homes~~ and ~~which~~ that was entered into pursuant to a contract under s. 46.031
11 (2g) or 301.031 (2g), regardless of whether the contract mentions the provider, except
12 as provided in par. (m). This paragraph does not preclude the county board of
13 supervisors from creating a central purchasing department for all county purchases.

14 **SECTION 13.** 46.56 (8) (L) of the statutes is amended to read:

15 46.56 (8) (L) In providing integrated services under this section, the service
16 coordination agency and the designated service providers shall include in the
17 integrated service plan all individuals who are active in the care of the child with
18 severe disabilities, including members of the child's family, foster parents, ~~treatment~~
19 ~~foster parents~~ and other individuals who by close and continued association with the
20 child have come to occupy significant roles in the care and treatment of the child with
21 severe disabilities.

22 **SECTION 14.** 46.56 (15) (b) 4. of the statutes is amended to read:

23 46.56 (15) (b) 4. Submit a description of the existing services in the county for
24 children with severe disabilities, an assessment of any gaps in services, and a plan
25 for using the funds under this program or from other funding sources to develop or

1 expand any needed community-based services such as in-home treatment,
2 ~~treatment foster care~~, day treatment, respite care, or crisis services.

3 **SECTION 15.** 46.985 (1) (f) of the statutes is amended to read:

4 46.985 (1) (f) "Parent" means a parent, guardian, legal custodian, or a person
5 acting in the place of a parent, but does not include a foster parent, ~~treatment foster~~
6 ~~parent~~ or any other paid care provider.

7 **SECTION 16.** 48.01 (1) (gg) of the statutes is amended to read:

8 48.01 (1) (gg) To promote the adoption of children into safe and stable families
9 rather than allowing children to remain in the impermanence of foster ~~or treatment~~
10 ~~foster care~~.

11 **SECTION 17.** 48.02 (6) of the statutes is amended to read:

12 48.02 (6) "Foster home" means any facility that is operated by a person
13 required to be licensed by s. 48.62 (1) ~~(a)~~ and that provides care and maintenance for
14 no more than 4 children or, if necessary to enable a sibling group to remain together,
15 for no more than 6 children or, if the department promulgates rules permitting a
16 different number of children, for the number of children permitted under those rules.

17 **SECTION 18.** 48.02 (17q) of the statutes is repealed.

18 **SECTION 19.** 48.195 (2) (d) 5. of the statutes is amended to read:

19 48.195 (2) (d) 5. The child's foster parent, ~~treatment foster parent~~, or other
20 person having physical custody of the child.

21 **SECTION 20.** 48.207 (1) (c) of the statutes is amended to read:

22 48.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~
23 ~~provided if~~ the placement does not violate the conditions of the license.

24 **SECTION 21.** 48.207 (1) (f) of the statutes is amended to read:

1 48.207 (1) (f) The home of a person not a relative, if the placement does not
2 exceed 30 days, though the placement may be extended for an additional 30 days for
3 cause by the court, and if the person has not had a ~~foster home or treatment foster~~
4 ~~home~~ license under s. 48.62 refused, revoked, or suspended within the last 2 years.

5 **SECTION 22.** 48.207 (3) of the statutes is amended to read:

6 48.207 (3) A child taken into custody under s. 48.981 may be held in a hospital,
7 foster home, ~~treatment foster home~~, relative's home, or other appropriate medical or
8 child welfare facility ~~which~~ that is not used primarily for the detention of delinquent
9 children.

10 **SECTION 23.** 48.21 (5) (d) 2. of the statutes is amended to read:

11 48.21 (5) (d) 2. If a hearing is held under subd. 1., at least 10 days before the
12 date of the hearing the court shall notify the child, any parent, guardian, and legal
13 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
14 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
15 of the hearing.

16 **SECTION 24.** 48.21 (5) (d) 3. of the statutes is amended to read:

17 48.21 (5) (d) 3. The court shall give a foster parent, ~~treatment foster parent~~, or
18 other physical custodian described in s. 48.62 (2) who is notified of a hearing under
19 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
20 ~~treatment foster parent~~, or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
23 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
24 subd. 2. and an opportunity to be heard under this subdivision does not become a

1 party to the proceeding on which the hearing is held solely on the basis of receiving
2 that notice and opportunity to be heard.

3 **SECTION 25.** 48.27 (3) (a) 1. of the statutes is amended to read:

4 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a
5 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
6 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
7 guardian, and legal custodian of the child, any foster parent, ~~treatment foster parent~~
8 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by
9 the unborn child's guardian ad litem, if applicable, and any person specified in par.
10 (b), (d), or (e), if applicable, of all hearings involving the child except hearings on
11 motions for which notice need only be provided to the child and his or her counsel.
12 When parents who are entitled to notice have the same place of residence, notice to
13 one shall constitute notice to the other. The first notice to any interested party, foster
14 parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2)
15 shall be written and may have a copy of the petition attached to it. Thereafter, notice
16 of hearings may be given by telephone at least 72 hours before the time of the
17 hearing. The person giving telephone notice shall place in the case file a signed
18 statement of the time notice was given and the person to whom he or she spoke.

19 **SECTION 26.** 48.27 (3) (a) 1m. of the statutes is amended to read:

20 48.27 (3) (a) 1m. The court shall give a foster parent, ~~treatment foster parent~~
21 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
22 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
23 ~~treatment foster parent~~ or other physical custodian to make a written or oral
24 statement during the hearing, or to submit a written statement prior to the hearing,
25 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~

1 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
2 notice of a hearing under subd. 1. and an opportunity to be heard under this
3 subdivision does not become a party to the proceeding on which the hearing is held
4 solely on the basis of receiving that notice and opportunity to be heard.

5 **SECTION 27.** 48.27 (3) (a) 2. of the statutes is amended to read:

6 48.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent, ~~treatment~~
7 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the
8 court of jurisdiction in the action or proceeding. If a foster parent, ~~treatment foster~~
9 ~~parent~~ or other physical custodian described in s. 48.62 (2) is not given notice of a
10 hearing under subd. 1., that person may request a rehearing on the matter during
11 the pendency of an order resulting from the hearing. If the request is made, the court
12 shall order a rehearing.

13 **SECTION 28.** 48.27 (6) of the statutes is amended to read:

14 48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties
15 shall receive notice and appropriate summons shall be issued in a manner specified
16 by the court, consistent with applicable governing statutes. In addition, if the child
17 who is the subject of the proceeding is in the care of a foster parent, ~~treatment foster~~
18 ~~parent~~ or other physical custodian described in s. 48.62 (2), the court shall give the
19 foster parent, ~~treatment foster parent~~ or other physical custodian notice and an
20 opportunity to be heard as provided in sub. (3) (a).

21 **SECTION 29.** 48.299 (1) (ag) of the statutes is amended to read:

22 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
23 a public hearing is not held, only the parties and their counsel or guardian ad litem,
24 the court-appointed special advocate for the child, the child's foster parent,
25 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2),

1 witnesses, and other persons requested by a party and approved by the court may
2 be present, except that the court may exclude a foster parent, ~~treatment foster parent~~
3 or other physical custodian described in s. 48.62 (2) from any portion of the hearing
4 if that portion of the hearing deals with sensitive personal information of the child
5 or the child's family or if the court determines that excluding the foster parent,
6 ~~treatment foster parent~~ or other physical custodian would be in the best interests of
7 the child. Except in a proceeding under s. 48.375 (7), any other person the court finds
8 to have a proper interest in the case or in the work of the court, including a member
9 of the bar, may be admitted by the court.

10 **SECTION 30.** 48.299 (1) (ar) of the statutes is amended to read:

11 48.299 (1) (ar) All hearings under s. 48.375 (7) shall be held in chambers, unless
12 a public fact-finding hearing is demanded by the child through her counsel. In a
13 proceeding under s. 48.375 (7), the child's foster parent, ~~treatment foster parent~~ or
14 other physical custodian described in s. 48.62 (2) may be present if requested by a
15 party and approved by the court.

16 **SECTION 31.** 48.32 (1) (c) 2. of the statutes is amended to read:

17 48.32 (1) (c) 2. If a hearing is held under subd. 1., at least 10 days before the
18 date of the hearing the court shall notify the child, any parent, guardian, and legal
19 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
20 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
21 of the hearing.

22 **SECTION 32.** 48.32 (1) (c) 3. of the statutes is amended to read:

23 48.32 (1) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~, or
24 other physical custodian described in s. 48.62 (2) who is notified of a hearing under
25 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,

1 ~~treatment foster parent~~, or other physical custodian to make a written or oral
2 statement during the hearing, or to submit a written statement prior to the hearing,
3 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
4 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
5 subd. 2. and an opportunity to be heard under this subdivision does not become a
6 party to the proceeding on which the hearing is held solely on the basis of receiving
7 that notice and opportunity to be heard.

8 **SECTION 33.** 48.33 (4) (intro.) of the statutes is amended to read:

9 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
10 placement of an adult expectant mother outside of her home shall be in writing. A
11 report recommending placement of a child in a foster home, ~~treatment foster home~~,
12 group home, or residential care center for children and youth, in the home of a
13 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall
14 be in writing and shall include all of the following:

15 **SECTION 34.** 48.33 (5) of the statutes is amended to read:

16 48.33 (5) IDENTITY OF FOSTER PARENT OR ~~TREATMENT FOSTER PARENT~~;
17 CONFIDENTIALITY. If the report recommends placement in a foster home or a ~~treatment~~
18 ~~foster home~~, and the name of the foster parent or ~~treatment foster parent~~ is not
19 available at the time the report is filed, the agency shall provide the court and the
20 child's parent or guardian with the name and address of the foster parent or
21 ~~treatment foster parent~~ within 21 days after the dispositional order is entered,
22 except that the court may order the information withheld from the child's parent or
23 guardian if the court finds that disclosure would result in imminent danger to the
24 child or to the foster parent or ~~treatment foster parent~~. After notifying the child's

1 parent or guardian, the court shall hold a hearing prior to ordering the information
2 withheld.

3 **SECTION 35.** 48.335 (3g) (intro.) of the statutes is amended to read:

4 48.335 **(3g)** (intro.) At hearings under this section, if the agency, as defined in
5 s. 48.38 (1) (a), is recommending placement of the child in a foster home, ~~treatment~~
6 ~~foster home~~, group home, or residential care center for children and youth or in the
7 home of a relative other than a parent, the agency shall present as evidence specific
8 information showing all of the following:

9 **SECTION 36.** 48.345 (3) (c) of the statutes is amended to read:

10 48.345 **(3)** (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62,
11 a group home licensed under s. 48.625, or in the home of a guardian under s. 48.977
12 (2).

13 **SECTION 37.** 48.355 (2) (b) 2. of the statutes is amended to read:

14 48.355 **(2)** (b) 2. If the child is placed outside the home, the name of the place
15 or facility, including transitional placements, where the child shall will be cared for
16 or treated, except that if the placement is a foster home ~~or treatment foster home~~ and
17 if the name and address of the foster parent ~~or treatment foster parent~~ is not
18 available at the time of the order, the name and address of the foster parent ~~or~~
19 ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days
20 ~~of~~ after the order. If, after a hearing on the issue with due notice to the parent or
21 guardian, the judge finds that disclosure of the identity of the foster parent ~~or~~
22 ~~treatment foster parent~~ would result in imminent danger to the child, or the foster
23 parent ~~or the treatment foster parent~~, the judge may order the name and address of
24 the prospective foster parents ~~or treatment foster parents~~ to be withheld from the
25 parent or guardian.

1 **SECTION 38.** 48.355 (2d) (c) 2. of the statutes is amended to read:

2 48.355 **(2d)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the
3 date of the hearing the court shall notify the child, any parent, guardian, and legal
4 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
5 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
6 of the hearing.

7 **SECTION 39.** 48.355 (2d) (c) 3. of the statutes is amended to read:

8 48.355 **(2d)** (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
9 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
10 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
11 ~~treatment foster parent~~, or other physical custodian to make a written or oral
12 statement during the hearing, or to submit a written statement prior to the hearing,
13 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
14 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
15 subd. 2. and an opportunity to be heard under this subdivision does not become a
16 party to the proceeding on which the hearing is held solely on the basis of receiving
17 that notice and opportunity to be heard.

18 **SECTION 40.** 48.355 (4) of the statutes is amended to read:

19 48.355 **(4)** TERMINATION OF ORDERS. Except as provided under s. 48.368, an order
20 under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age
21 that places or continues the placement of the child in his or her home shall terminate
22 at the end of one year after its entry unless the judge specifies a shorter period of time
23 or the judge terminates the order sooner. Except as provided under s. 48.368, an
24 order under this section or s. 48.357 or 48.365 made before the child reaches 18 years
25 of age that places or continues the placement of the child in a foster home, ~~treatment~~

1 ~~foster home~~, group home, or residential care center for children and youth or in the
2 home of a relative other than a parent shall terminate when the child reaches 18
3 years of age, at the end of one year after its entry, or, if the child is a full-time student
4 at a secondary school or its vocational or technical equivalent and is reasonably
5 expected to complete the program before reaching 19 years of age, when the child
6 reaches 19 years of age, whichever is later, unless the judge specifies a shorter period
7 of time or the judge terminates the order sooner. An order under this section or s.
8 48.357 or 48.365 relating to an unborn child in need of protection or services that is
9 made before the unborn child is born shall terminate at the end of one year after its
10 entry unless the judge specifies a shorter period of time or the judge terminates the
11 order sooner.

12 **SECTION 41.** 48.357 (1) (am) 1. of the statutes is amended to read:

13 48.357 (1) (am) 1. If the proposed change in placement involves any change in
14 placement other than a change in placement specified in par. (c), the person or agency
15 primarily responsible for implementing the dispositional order, the district attorney,
16 or the corporation counsel shall cause written notice of the proposed change in
17 placement to be sent to the child, the parent, guardian, and legal custodian of the
18 child, any foster parent, ~~treatment foster parent~~, or other physical custodian
19 described in s. 48.62 (2) of the child, the child's court-appointed special advocate,
20 and, if the child is the expectant mother of an unborn child under s. 48.133, the
21 unborn child by the unborn child's guardian ad litem. If the expectant mother is an
22 adult, written notice shall be sent to the adult expectant mother and the unborn child
23 by the unborn child's guardian ad litem. The notice shall contain the name and
24 address of the new placement, the reasons for the change in placement, a statement
25 describing why the new placement is preferable to the present placement, and a

1 statement of how the new placement satisfies objectives of the treatment plan
2 ordered by the court.

3 **SECTION 42.** 48.357 (2m) (b) of the statutes is amended to read:

4 48.357 **(2m)** (b) The court shall hold a hearing on the matter prior to ordering
5 any change in placement requested or proposed under par. (a) if the request states
6 that new information is available that affects the advisability of the current
7 placement, unless the requested or proposed change in placement involves any
8 change in placement other than a change in placement of a child placed in the home
9 to a placement outside the home and written waivers of objection to the proposed
10 change in placement are signed by all persons entitled to receive notice under sub.
11 (1) (am) 1., other than a court-appointed special advocate, and the court approves.
12 If a hearing is scheduled, the court shall notify the child, the parent, guardian, and
13 legal custodian of the child, any foster parent, ~~treatment foster parent~~, or other
14 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
15 special advocate, all parties who are bound by the dispositional order, and, if the child
16 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
17 unborn child's guardian ad litem, or shall notify the adult expectant mother, the
18 unborn child by the unborn child's guardian ad litem, and all parties who are bound
19 by the dispositional order, at least 3 days prior to the hearing. A copy of the request
20 or proposal for the change in placement shall be attached to the notice. If all of the
21 parties consent, the court may proceed immediately with the hearing.

22 **SECTION 43.** 48.357 (2r) of the statutes is amended to read:

23 48.357 **(2r)** If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
24 in placement would remove a child from a foster home, ~~treatment foster home~~, or
25 other placement with a physical custodian described in s. 48.62 (2), the court shall

1 give the foster parent, ~~treatment foster parent~~, or other physical custodian described
2 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
3 parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral
4 statement during the hearing or to submit a written statement prior to the hearing
5 relating to the child and the requested change in placement. A foster parent,
6 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who
7 receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to
8 be heard under this subsection does not become a party to the proceeding on which
9 the hearing is held solely on the basis of receiving that notice and opportunity to be
10 heard.

11 **SECTION 44.** 48.357 (2v) (c) 2. of the statutes is amended to read:

12 48.357 (2v) (c) 2. If a hearing is held under subd. 1., at least 10 days before the
13 date of the hearing the court shall notify the child, any parent, guardian, and legal
14 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
15 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
16 of the hearing.

17 **SECTION 45.** 48.357 (2v) (c) 3. of the statutes is amended to read:

18 48.357 (2v) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
19 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
20 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
21 ~~treatment foster parent~~, or other physical custodian to make a written or oral
22 statement during the hearing, or to submit a written statement prior to the hearing,
23 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
24 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
25 subd. 2. and an opportunity to be heard under this subdivision does not become a

1 party to the proceeding on which the hearing is held solely on the basis of receiving
2 that notice and opportunity to be heard.

3 **SECTION 46.** 48.363 (1) (b) of the statutes is amended to read:

4 48.363 (1) (b) If a hearing is held, the court shall notify the child, the child's
5 parent, guardian, and legal custodian, all parties bound by the dispositional order,
6 the child's foster parent, ~~treatment foster parent~~ or other physical custodian
7 described in s. 48.62 (2), the child's court-appointed special advocate, the district
8 attorney or corporation counsel in the county in which the dispositional order was
9 entered, and, if the child is the expectant mother of an unborn child under s. 48.133,
10 the unborn child by the unborn child's guardian ad litem; or shall notify the adult
11 expectant mother, the unborn child through the unborn child's guardian ad litem, all
12 parties bound by the dispositional order and the district attorney or corporation
13 counsel in the county in which the dispositional order was entered, at least 3 days
14 prior to the hearing. A copy of the request or proposal shall be attached to the notice.
15 If all parties consent, the court may proceed immediately with the hearing. No
16 revision may extend the effective period of the original order.

17 **SECTION 47.** 48.363 (1m) of the statutes is amended to read:

18 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
19 evidence relevant to the issue of revision of the dispositional order. In addition, the
20 court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian
21 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
22 permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to
23 make a written or oral statement during the hearing, or to submit a written
24 statement prior to the hearing, relevant to the issue of revision. A foster parent,
25 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who

1 receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under
2 this subsection does not become a party to the proceeding on which the hearing is
3 held solely on the basis of receiving that notice and opportunity to be heard.

4 **SECTION 48.** 48.365 (2) of the statutes is amended to read:

5 48.365 (2) No order may be extended without a hearing. The court shall notify
6 the child, the child's parent, guardian, and legal custodian, all the parties present at
7 the original hearing, the child's foster parent, ~~treatment foster parent~~ or other
8 physical custodian described in s. 48.62 (2), the child's court-appointed special
9 advocate, the district attorney or corporation counsel in the county in which the
10 dispositional order was entered and, if the child is an expectant mother of an unborn
11 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or
12 shall notify the adult expectant mother, the unborn child through the unborn child's
13 guardian ad litem, all the parties present at the original hearing, and the district
14 attorney or corporation counsel in the county in which the dispositional order was
15 entered, of the time and place of the hearing.

16 **SECTION 49.** 48.365 (2m) (ad) 2. of the statutes is amended to read:

17 48.365 (2m) (ad) 2. If a hearing is held under subd. 1., at least 10 days before
18 the date of the hearing the court shall notify the child, any parent, guardian, and
19 legal custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
20 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
21 of the hearing.

22 **SECTION 50.** 48.365 (2m) (ag) of the statutes is amended to read:

23 48.365 (2m) (ag) The court shall give a foster parent, ~~treatment foster parent~~,
24 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
25 par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the

1 foster parent, ~~treatment foster parent~~, or other physical custodian to make a written
2 or oral statement during the hearing, or to submit a written statement prior to the
3 hearing, relevant to the issue of extension. A foster parent, ~~treatment foster parent~~,
4 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing
5 under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph
6 does not become a party to the proceeding on which the hearing is held solely on the
7 basis of receiving that notice and opportunity to be heard.

8 **SECTION 51.** 48.371 (1) (intro.) of the statutes is amended to read:

9 48.371 (1) (intro.) If a child is placed in a foster home, ~~treatment foster home~~,
10 group home, or residential care center for children and youth or in the home of a
11 relative other than a parent, including a placement under s. 48.205 or 48.21, the
12 agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the
13 placement of the child shall provide the following information to the foster parent,
14 ~~treatment foster parent~~, relative, or operator of the group home or residential care
15 center for children and youth at the time of placement or, if the information has not
16 been provided to the agency by that time, as soon as possible after the date on which
17 the agency receives that information, but not more than 2 working days after that
18 date:

19 **SECTION 52.** 48.371 (1) (a) of the statutes is amended to read:

20 48.371 (1) (a) Results of a test or a series of tests of the child to determine the
21 presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of
22 HIV, or an antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results
23 included in a court report or permanency plan. At the time that the test results are
24 provided, the agency shall notify the foster parent, ~~treatment foster parent~~, relative,

1 or operator of the group home or residential care center for children and youth of the
2 confidentiality requirements under s. 252.15 (6).

3 **SECTION 53.** 48.371 (3) (intro.) of the statutes is amended to read:

4 48.371 (3) (intro.) At the time of placement of a child in a foster home, ~~treatment~~
5 ~~foster home~~, group home, or residential care center for children and youth or in the
6 home of a relative other than a parent or, if the information is not available at that
7 time, as soon as possible after the date on which the court report or permanency plan
8 has been submitted, but no later than 7 days after that date, the agency, as defined
9 in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide
10 to the foster parent, ~~treatment foster parent~~, relative, or operator of the group home
11 or residential care center for children and youth information contained in the court
12 report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4)
13 (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c),
14 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or
15 agency that prepared the court report or permanency plan relating to any of the
16 following:

17 **SECTION 54.** 48.371 (3) (d) of the statutes is amended to read:

18 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,
19 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or
20 948.085, prostitution in violation of s. 944.30, trafficking in violation of s. 940.302 (2)
21 if s. 940.302 (2) (a). 1. b. applies, sexual exploitation of a child in violation of s. 948.05,
22 trafficking of a child in violation of s. 948.051, or causing a child to view or listen to
23 sexual activity in violation of s. 948.055, if the information is necessary for the care
24 of the child or for the protection of any person living in the foster home, ~~treatment~~

1 ~~foster home~~, group home, or residential care center for children and youth or in the
2 home of the relative.

3 **SECTION 55.** 48.371 (5) of the statutes is amended to read:

4 48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, ~~treatment~~
5 ~~foster parent~~, relative, or operator of a group home or residential care center for
6 children and youth that receives any information under sub. (1) or (3), other than the
7 information described in sub. (3) (e), shall keep the information confidential and may
8 disclose that information only for the purposes of providing care for the child or
9 participating in a court hearing or permanency plan review concerning the child.

10 **SECTION 56.** 48.375 (4) (a) 1. of the statutes is amended to read:

11 48.375 (4) (a) 1. The person or the person's agent has, either directly or through
12 a referring physician or his or her agent, received and made part of the minor's
13 medical record, under the requirements of s. 253.10, the voluntary and informed
14 written consent of the minor and the voluntary and informed written consent of one
15 of her parents; or of the minor's guardian or legal custodian, if one has been
16 appointed; or of an adult family member of the minor; or of one of the minor's foster
17 parents ~~or treatment foster parents~~, if the minor has been placed in a foster home
18 ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the
19 department, a county department, or the foster parent ~~or the treatment foster parent~~
20 the authority to consent to medical services or treatment on behalf of the minor.

21 **SECTION 57.** 48.375 (4) (b) 1m. of the statutes is amended to read:

22 48.375 (4) (b) 1m. A physician who specializes in psychiatry or a licensed
23 psychologist, as defined in s. 455.01 (4), states in writing that the physician or
24 psychologist believes, to the best of his or her professional judgment based on the
25 facts of the case before him or her, that the minor is likely to commit suicide rather

1 than file a petition under s. 48.257 or approach her parent, or guardian or legal
2 custodian, if one has been appointed, or an adult family member of the minor, or one
3 of the minor's foster parents ~~or treatment foster parents~~, if the minor has been placed
4 in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver
5 granting the department, a county department, or the foster parent ~~or the treatment~~
6 ~~foster parent~~ the authority to consent to medical services or treatment on behalf of
7 the minor, for consent.

8 **SECTION 58.** 48.375 (4) (b) 3. of the statutes is amended to read:

9 48.375 (4) (b) 3. The minor provides the person who intends to perform or
10 induce the abortion with a written statement, signed and dated by the minor, that
11 a parent who has legal custody of the minor, or the minor's guardian or legal
12 custodian, if one has been appointed, or an adult family member of the minor, or a
13 foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home
14 ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the
15 department, a county department, or the foster parent ~~or the treatment foster parent~~
16 the authority to consent to medical services or treatment on behalf of the minor, has
17 inflicted abuse on the minor. The person who intends to perform or induce the
18 abortion shall place the statement in the minor's medical record. The person who
19 intends to perform or induce the abortion shall report the abuse as required under
20 s. 48.981 (2).

21 **SECTION 59.** 48.375 (7) (f) of the statutes is amended to read:

22 48.375 (7) (f) *Certain persons barred from proceedings.* No parent, or guardian
23 or legal custodian, if one has been appointed, or foster parent ~~or treatment foster~~
24 ~~parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and
25 the minor's parent has signed a waiver granting the department, a county

1 department, or the foster parent ~~or the treatment foster parent~~ the authority to
2 consent to medical services or treatment on behalf of the minor, or adult family
3 member, of any minor who is seeking a court determination under this subsection
4 may attend, intervene, or give evidence in any proceeding under this subsection.

5 **SECTION 60.** 48.38 (2) (intro.) of the statutes is amended to read:

6 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
7 for each child living in a foster home, ~~treatment foster home~~, group home, residential
8 care center for children and youth, juvenile detention facility, or shelter care facility,
9 the agency that placed the child or arranged the placement or the agency assigned
10 primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.
11 shall prepare a written permanency plan, if any of the following conditions exists,
12 and, for each child living in the home of a relative other than a parent, that agency
13 shall prepare a written permanency plan, if any of the conditions specified in pars.
14 (a) to (e) exists:

15 **SECTION 61.** 48.38 (2) (g) of the statutes is amended to read:

16 48.38 (2) (g) The child's parent is placed in a foster home, ~~treatment foster~~
17 ~~home~~, group home, residential care center for children and youth, juvenile detention
18 facility, or shelter care facility and the child is residing with that parent.

19 **SECTION 62.** 48.38 (4) (d) (intro.) of the statutes is amended to read:

20 48.38 (4) (d) (intro.) If the child is living more than 60 miles from his or her
21 home, documentation that placement within 60 miles of the child's home is either
22 unavailable or inappropriate or documentation that placement more than 60 miles
23 from the child's home is in the child's best interests. The placement of a child in a
24 licensed foster home ~~or a licensed treatment foster home~~ more than 60 miles from the

1 child's home is presumed to be in the best interests of the child if documentation is
2 provided which shows all of the following:

3 **SECTION 63.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

4 48.38 (4) (f) (intro.) A description of the services that will be provided to the
5 child, the child's family, and the child's foster parent, ~~the child's treatment foster~~
6 ~~parent~~, the operator of the facility where the child is living, or the relative with whom
7 the child is living to carry out the dispositional order, including services planned to
8 accomplish all of the following:

9 **SECTION 64.** 48.38 (5) (b) of the statutes is amended to read:

10 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
11 child, if he or she is 12 years of age or older, and the child's foster parent, ~~the child's~~
12 ~~treatment foster parent~~, the operator of the facility in which the child is living, or the
13 relative with whom the child is living of the date, time, and place of the review, of the
14 issues to be determined as part of the review, and of the fact that they may have an
15 opportunity to be heard at the review by submitting written comments not less than
16 10 working days before the review or by participating at the review. The court or
17 agency shall notify the person representing the interests of the public, the child's
18 counsel, the child's guardian ad litem, and the child's court-appointed special
19 advocate of the date of the review, of the issues to be determined as part of the review,
20 and of the fact that they may submit written comments not less than 10 working days
21 before the review. The notices under this paragraph shall be provided in writing not
22 less than 30 days before the review and copies of the notices shall be filed in the child's
23 case record.

24 **SECTION 65.** 48.38 (5) (e) of the statutes is amended to read:

1 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
2 the determinations under par. (c) and shall provide a copy to the court that entered
3 the order, the child or the child's counsel or guardian ad litem, the person
4 representing the interests of the public, the child's parent or guardian, the child's
5 court-appointed special advocate and the child's foster parent, ~~the child's treatment~~
6 ~~foster parent~~ or the operator of the facility where the child is living.

7 **SECTION 66.** 48.38 (5m) (b) of the statutes is amended to read:

8 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
9 shall notify the child; the child's parent, guardian, and legal custodian; the child's
10 foster parent ~~or treatment foster parent~~, the operator of the facility in which the child
11 is living, or the relative with whom the child is living; the child's counsel, the child's
12 guardian ad litem, and the child's court-appointed special advocate; the agency that
13 prepared the permanency plan; and the person representing the interests of the
14 public of the date, time, and place of the hearing.

15 **SECTION 67.** 48.38 (5m) (c) of the statutes is amended to read:

16 48.38 (5m) (c) Any person who is provided notice of the hearing may have an
17 opportunity to be heard at the hearing by submitting written comments relevant to
18 the determinations specified in sub. (5) (c) not less than 10 working days before the
19 date of the hearing or by participating at the hearing. A foster parent, ~~treatment~~
20 ~~foster parent~~, operator of a facility in which a child is living, or relative with whom
21 a child is living who receives notice of a hearing under par. (b) and an opportunity
22 to be heard under this paragraph does not become a party to the proceeding on which
23 the hearing is held solely on the basis of receiving that notice and opportunity to be
24 heard.

25 **SECTION 68.** 48.38 (5m) (e) of the statutes is amended to read:

1 48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact
2 and conclusions of law relating to the determinations under sub. (5) (c) and shall
3 provide a copy of those findings of fact and conclusions of law to the child; the child's
4 parent, guardian, and legal custodian; the child's foster parent ~~or treatment foster~~
5 ~~parent~~, the operator of the facility in which the child is living, or the relative with
6 whom the child is living; the child's court-appointed special advocate; the agency
7 that prepared the permanency plan; and the person representing the interests of the
8 public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case
9 basis based on circumstances specific to the child and shall document or reference
10 the specific information on which those findings are based in the findings of fact and
11 conclusions of law prepared under this paragraph. Findings of fact and conclusions
12 of law that merely reference sub. (5) (c) 7. without documenting or referencing that
13 specific information in the findings of fact and conclusions of law or amended
14 findings of fact and conclusions of law that retroactively correct earlier findings of
15 fact and conclusions of law that do not comply with this paragraph are not sufficient
16 to comply with this paragraph.

17 **SECTION 69.** 48.40 (1m) of the statutes is repealed.

18 **SECTION 70.** 48.42 (2) (d) of the statutes is amended to read:

19 48.42 **(2)** (d) Any other person to whom notice is required to be given by ch. 822,
20 excluding foster parents ~~and treatment foster parents~~ who shall be provided notice
21 as required under sub. (2g).

22 **SECTION 71.** 48.42 (2g) (a) of the statutes is amended to read:

23 48.42 **(2g)** (a) In addition to causing the summons and petition to be served as
24 required under sub. (2), the petitioner shall also notify any foster parent, ~~treatment~~
25 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) of the child of all

1 hearings on the petition. The first notice to any foster parent, ~~treatment foster~~
2 ~~parent~~ or other physical custodian described in s. 48.62 (2) shall be written, shall
3 have a copy of the petition attached to it, shall state the nature, location, date, and
4 time of the initial hearing and shall be mailed to the last-known address of the foster
5 parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2).
6 Thereafter, notice of hearings may be given by telephone at least 72 hours before the
7 time of the hearing. The person giving telephone notice shall place in the case file
8 a signed statement of the time notice was given and the person to whom he or she
9 spoke.

10 **SECTION 72.** 48.42 (2g) (am) of the statutes is amended to read:

11 48.42 (2g) (am) The court shall give a foster parent, ~~treatment foster parent~~
12 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
13 par. (a) an opportunity to be heard at the hearing by permitting the foster parent,
14 ~~treatment foster parent~~ or other physical custodian to make a written or oral
15 statement during the hearing, or to submit a written statement prior to the hearing,
16 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
17 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
18 notice of a hearing under par. (a) and an opportunity to be heard under this
19 paragraph does not become a party to the proceeding on which the hearing is held
20 solely on the basis of receiving that notice and opportunity to be heard.

21 **SECTION 73.** 48.42 (2g) (b) of the statutes is amended to read:

22 48.42 (2g) (b) Failure to give notice under par. (a) to a foster parent, ~~treatment~~
23 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the
24 court of jurisdiction in the proceeding. If a foster parent, ~~treatment foster parent~~ or
25 other physical custodian described in s. 48.62 (2) is not given notice of a hearing

1 under par. (a), that person may request a rehearing on the matter at any time prior
2 to the entry of an order under s. 48.427 (2) or (3). If the request is made, the court
3 shall order a rehearing.

4 **SECTION 74.** 48.427 (1m) of the statutes is amended to read:

5 48.427 (1m) In addition to any evidence presented under sub. (1), the court
6 shall give the foster parent, ~~treatment foster parent~~ or other physical custodian
7 described in s. 48.62 (2) of the child an opportunity to be heard at the dispositional
8 hearing by permitting the foster parent, ~~treatment foster parent~~ or other physical
9 custodian to make a written or oral statement during the dispositional hearing, or
10 to submit a written statement prior to disposition, relevant to the issue of disposition.
11 A foster parent, ~~treatment foster parent~~ or other physical custodian described in s.
12 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and an opportunity
13 to be heard under this subsection does not become a party to the proceeding on which
14 the hearing is held solely on the basis of receiving that notice and opportunity to be
15 heard.

16 **SECTION 75.** 48.427 (3m) (a) 5. of the statutes is amended to read:

17 48.427 (3m) (a) 5. A relative with whom the child resides, if the relative has
18 filed a petition to adopt the child or if the relative is a kinship care relative receiving
19 payments under s. 48.62 (4) for providing care and maintenance for the child.

20 **SECTION 76.** 48.427 (3m) (am) of the statutes is amended to read:

21 48.427 (3m) (am) Transfer guardianship and custody of the child to a county
22 department authorized to accept guardianship under s. 48.57 (1) (hm) for placement
23 of the child for adoption by the child's foster parent ~~or treatment foster parent~~, if the
24 county department has agreed to accept guardianship and custody of the child and
25 the foster parent ~~or treatment foster parent~~ has agreed to adopt the child.

1 **SECTION 77.** 48.428 (2) (a) of the statutes is amended to read:

2 48.428 (2) (a) Except as provided in par. (b), when a court places a child in
3 sustaining care after an order under s. 48.427 (4), the court shall transfer legal
4 custody of the child to the county department, the department, in a county having
5 a population of 500,000 or more, or a licensed child welfare agency, transfer
6 guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and
7 place the child in the home of a licensed foster parent, ~~licensed treatment foster~~
8 ~~parent, or kinship care of~~ ~~relative~~ with whom the child has resided for 6 months or
9 longer. Pursuant to such a the placement, this licensed foster parent, ~~licensed~~
10 ~~treatment foster parent, or kinship care of~~ ~~relative~~ shall be a sustaining parent with
11 the powers and duties specified in sub. (3).

12 **SECTION 78.** 48.428 (2) (b) of the statutes is amended to read:

13 48.428 (2) (b) When a court places a child in sustaining care after an order
14 under s. 48.427 (4) with a person who has been appointed as the guardian of the child
15 under s. 48.977 (2), the court may transfer legal custody of the child to the county
16 department, the department, in a county having a population of 500,000 or more, or
17 a licensed child welfare agency, transfer guardianship of the child to an agency listed
18 in s. 48.427 (3m) (a) 1. to 4. or (am) and place the child in the home of a licensed foster
19 parent, ~~licensed treatment foster parent, or kinship care of~~ ~~relative~~ with whom the
20 child has resided for 6 months or longer. Pursuant to such a the placement, that
21 licensed foster parent, ~~licensed treatment foster parent, or kinship care of~~ ~~relative~~
22 shall be a sustaining parent with the powers and duties specified in sub. (3). If the
23 court transfers guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1.
24 to 4. or (am), the court shall terminate the guardianship under s. 48.977.

25 **SECTION 79.** 48.428 (4) of the statutes is amended to read:

1 48.428 (4) Before a licensed foster parent, ~~licensed treatment foster parent or~~
2 kinship care ~~or relative~~ may be appointed as a sustaining parent, the foster parent,
3 treatment foster parent or kinship care ~~or relative~~ shall execute a contract with the
4 agency responsible for providing services to the child, in which the foster parent,
5 treatment foster parent or kinship care ~~or relative~~ agrees to provide care for the child
6 until the child's 18th birthday unless the placement order is changed by the court
7 because the court finds that the sustaining parents are no longer able or willing to
8 provide the sustaining care or the court finds that the behavior of the sustaining
9 parents toward the child would constitute grounds for the termination of parental
10 rights if the sustaining parent was the birth parent of the child.

11 **SECTION 80.** 48.43 (5) (b) of the statutes is amended to read:

12 48.43 (5) (b) The court shall hold a hearing to review the permanency plan
13 within 30 days after receiving a report under par. (a). At least 10 days before the date
14 of the hearing, the court shall provide notice of the time, date, and purpose of the
15 hearing to the agency that prepared the report, the child's guardian, the child, if he
16 or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent,~~
17 other physical custodian described in s. 48.62 (2), or the operator of the facility in
18 which the child is living.

19 **SECTION 81.** 48.43 (5m) of the statutes is amended to read:

20 48.43 (5m) Either the court or the agency that prepared the permanency plan
21 shall furnish a copy of the original plan and each revised plan to the child, if he or
22 she is 12 years of age or over, and to the child's foster parent, ~~the child's treatment~~
23 ~~foster parent~~ or the operator of the facility in which the child is living.

24 **SECTION 82.** 48.48 (9) of the statutes is amended to read:

1 48.48 (9) To license foster homes ~~or treatment foster homes~~ as provided in s.
2 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
3 requested to do so, for the use of county departments.

4 SECTION 83. 48.48 (17) (a) 3. of the statutes is amended to read:

5 48.48 (17) (a) 3. Provide appropriate protection and services for children and
6 the expectant mothers of unborn children in its care, including providing services for
7 those children and their families and for those expectant mothers in their own
8 homes, placing the children in licensed foster homes, ~~treatment foster homes~~, or
9 group homes in this state or another state within a reasonable proximity to the
10 agency with legal custody, placing the children in the homes of guardians under s.
11 48.977 (2), or contracting for services for those children by licensed child welfare
12 agencies, except that the department may not purchase the educational component
13 of private day treatment programs unless the department, the school board, as
14 defined in s. 115.001 (7), and the state superintendent of public instruction all
15 determine that an appropriate public education program is not available. Disputes
16 between the department and the school district shall be resolved by the state
17 superintendent of public instruction.

18 SECTION 84. 48.48 (17) (a) 8. of the statutes is amended to read:

19 48.48 (17) (a) 8. License foster homes ~~or treatment foster homes~~ in accordance
20 with s. 48.75. *as affected by 2009 Wisconsin Act 111 (this act)*

21 SECTION 85. 48.48 (17) (a) 10. of the statutes is repealed.

22 SECTION 86. 48.48 (17) (c) 4. of the statutes is amended to read:

23 48.48 (17) (c) 4. Is living in a foster home, ~~treatment foster home~~, group home,
24 residential care center for children and youth, ~~or subsidized guardianship home~~
25 ~~under s. 48.62 (3).~~ *CS*

auto-ref C at P. 115, line 11
XXXXX (17) (c) 4 This is repealed to 48.48 (17) (c) 4. This section has been affected by drafts with the following LRB #30 LRB - 0292/1 and LRB - 0284/20 numbers

1 **SECTION 87.** 48.481 (1) (a) of the statutes is amended to read:

2 48.481 (1) (a) The department shall distribute \$497,200 in each fiscal year to
3 counties for the purpose of supplementing payments for the care of an individual who
4 attains age 18 after 1986 and who resided in a ~~foster home or a treatment foster home~~
5 licensed under s. 48.62 for at least 2 years immediately prior to attaining age 18 and,
6 for at least 2 years, received ~~exceptional foster care or treatment foster care~~
7 payments for exceptional circumstances in order to avoid institutionalization, as
8 provided under rules promulgated by the department, so that the individual may live
9 in a family home or other noninstitutional situation after attaining age 18. No
10 county may use funds provided under this paragraph to replace funds previously
11 used by the county for this purpose.

12 **SECTION 88.** 48.52 (1) (a) of the statutes is amended to read:

13 48.52 (1) (a) Receiving homes to be used for the temporary care of children;.

14 **SECTION 89.** 48.52 (1) (b) of the statutes is amended to read:

15 48.52 (1) (b) Foster homes ~~or treatment foster homes~~;.

16 **SECTION 90.** 48.52 (1) (c) of the statutes is amended to read:

17 48.52 (1) (c) Group homes; ~~and~~.

18 **SECTION 91.** 48.569 (1) (d) of the statutes is amended to read:

19 48.569 (1) (d) From the appropriations under s. 20.437 (1) (b) and (o), the
20 department shall distribute the funding for children and family services, including
21 funding for foster care, ~~treatment foster care~~, or subsidized guardianship care of a
22 child on whose behalf aid is received under s. 48.645 to county departments as
23 provided under s. 48.563. County matching funds are required for the distribution
24 under s. 48.563 (2). Each county's required match for the distribution under s. 48.563
25 (2) shall be specified in a schedule established annually by the department.

1 Matching funds may be from county tax levies, federal and state revenue sharing
2 funds, or private donations to the county that meet the requirements specified in sub.
3 (1m). Private donations may not exceed 25 percent of the total county match. If the
4 county match is less than the amount required to generate the full amount of state
5 and federal funds distributed for this period, the decrease in the amount of state and
6 federal funds equals the difference between the required and the actual amount of
7 county matching funds.

8 **SECTION 92.** 48.57 (1) (c) of the statutes is amended to read:

9 48.57 (1) (c) To provide appropriate protection and services for children and the
10 expectant mothers of unborn children in its care, including providing services for
11 those children and their families and for those expectant mothers in their own
12 homes, placing those children in licensed foster homes, ~~treatment foster homes~~, or
13 group homes in this state or another state within a reasonable proximity to the
14 agency with legal custody, placing those children in the homes of guardians under
15 s. 48.977 (2), or contracting for services for those children by licensed child welfare
16 agencies, except that the county department may not purchase the educational
17 component of private day treatment programs unless the county department, the
18 school board, as defined in s. 115.001 (7), and the state superintendent of public
19 instruction all determine that an appropriate public education program is not
20 available. Disputes between the county department and the school district shall be
21 resolved by the state superintendent of public instruction.

22 **SECTION 93.** 48.57 (1) (hm) of the statutes is amended to read:

23 48.57 (1) (hm) If a county department in a county with a population of less than
24 500,000, to accept guardianship, when appointed by the court, of a child whom the
25 county department has placed in a foster home ~~or treatment foster home~~ under a

1 NOTE This is reconciled so 48.57(3m) of this section has been affected by drafts with the following LRB-0238/2, LRB-0317/1, and LRB-0884/20 numbers
 2 court order or voluntary agreement under s. 48.63 and to place that child under its
 3 guardianship for adoption by the foster parent or treatment foster parent.

4 **SECTION 94.** 48.57 (1) (i) of the statutes is amended to read:

5 48.57 (1) (i) To license foster homes or ~~treatment foster homes~~ in accordance
 6 with s. 48.75.

7 **SECTION 95.** 48.57 (3) (a) 4. of the statutes is amended to read:

8 48.57 (3) (a) 4. Is living in a foster home, ~~treatment foster home~~, group home,
 9 residential care center for children and youth, or subsidized guardianship home
 10 under s. 48.62 (5). as affected by 2009 Wisconsin Act 111 (this act) sections # and #

11 **SECTION 96.** 48.57 (3m) of the statutes is repealed.

12 **SECTION 97.** 48.57 (3n) of the statutes is repealed. as affected by 2009 Wisconsin Act 111 (this act) section # and #

13 **SECTION 98.** 48.57 (3p) of the statutes is repealed.

14 **SECTION 99.** 48.57 (3t) of the statutes is repealed.

15 **SECTION 100.** 48.60 (2) (e) of the statutes is amended to read:

16 48.60 (2) (e) A licensed foster home or a ~~licensed treatment foster home~~.

17 **SECTION 101.** 48.61 (3) of the statutes is amended to read:

18 48.61 (3) To provide appropriate care and training for children in its legal or
 19 physical custody and, if licensed to do so, to place children in licensed foster homes,
 20 ~~licensed treatment foster homes~~, and licensed group homes and in the homes of
 21 guardians under s. 48.977 (2).

22 **SECTION 102.** 48.61 (7) of the statutes is amended to read:

23 48.61 (7) To license foster homes or ~~treatment foster homes~~ in accordance with
 24 s. 48.75 if licensed to do so.

SECTION 103. 48.615 (1) (b) of the statutes is amended to read:

NOTE This is reconciled so 48.57(3m) of this section has been affected by drafts with the following LRB-0238/2, LRB-0317/1, and LRB-0884/20 numbers

48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that places children in licensed foster homes, ~~licensed treatment foster homes, and licensed group homes,~~ and in the homes of guardians under s. 48.977 (2), the child welfare agency must pay to the department a biennial fee of \$254.10.

SECTION 104. Subchapter XIV (title) of chapter 48 [precedes 48.619] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XIV

~~FOSTER HOMES AND TREATMENT FOSTER HOMES~~

SECTION 105. 48.619 of the statutes is amended to read:

48.619 Definition. In this subchapter, “child” means a person under 18 years of age and also includes, for purposes of counting the number of children for whom a foster home, ~~treatment foster home~~, or group home may provide care and maintenance, a person 18 years of age or over, but under 19 years of age, who is a full-time student at a secondary school or its vocational or technical equivalent, who is reasonably expected to complete the program before reaching 19 years of age, who was residing in the foster home, ~~treatment foster home~~, or group home immediately prior to his or her 18th birthday, and who continues to reside in that foster home, ~~treatment foster home~~, or group home.

SECTION 106. 48.62 (title) of the statutes is amended to read:

48.62 (title) Licensing of foster homes and treatment foster homes; rates.

SECTION 107. 48.62 (1) (a) of the statutes is renumbered 48.62 (1).

SECTION 108. 48.62 (1) (b) of the statutes is repealed.

1 **SECTION 109.** 48.62 (2) of the statutes is amended to read:

2 48.62 (2) A relative,, or a guardian of a child who provides care and
3 maintenance for the child is not required to obtain the license specified in this
4 section. The department, county department, or licensed child welfare agency as
5 provided in s. 48.75 may issue a license to operate a foster home ~~or a treatment foster~~
6 ~~home~~ to a relative who has no duty of support under s. 49.90 (1) (a) and who requests
7 a license to operate a foster home ~~or treatment foster home~~ for a specific child who
8 is either placed by court order or who is the subject of a voluntary placement
9 agreement under s. 48.63. The department, a county department, or a licensed child
10 welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978,
11 ch. 54, or ch. 880, 2003 stats., license the guardian's home as a foster home ~~or~~
12 ~~treatment foster home~~ for the guardian's minor ward who is living in the home and
13 who is placed in the home by court order. Relatives with no duty of support and
14 guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., who
15 are licensed to operate foster homes ~~or treatment foster homes~~ are subject to the
16 department's licensing rules.

17 **SECTION 110.** 48.62 (3) of the statutes is amended to read:

18 48.62 (3) When the department, a county department, or a child welfare agency
19 issues a license to operate a foster home ~~or a treatment foster home~~, the department,
20 county department, or child welfare agency shall notify the clerk of the school district
21 in which the foster home ~~or treatment foster home~~ is located that a foster home ~~or~~
22 ~~treatment foster home~~ has been licensed in the school district.

23 **SECTION 111.** ~~48.62 (4) of the statutes is amended to read:~~

24 48.62 (4) Monthly payments in foster care shall be provided according to the
25 ~~age-related rates specified in this subsection. Beginning on January 1, 2008 2010,~~

1 the age-related rates are \$215 for care and maintenance provided by a relative of a
2 child of any age and, for care and maintenance provided by a nonrelative, \$333 for
3 a child under 5 years of age; \$363 for a child 5 to 11 years of age; \$414 for a child 12
4 to 14 years of age; and \$432 for a child 15 years of age or over. Beginning on January
5 1, 2009 2011, the age-related rates are \$215 for care and maintenance provided by
6 a relative of a child of any age and, for care and maintenance provided by a
7 nonrelative, \$349 for a child under 5 years of age; \$381 for a child 5 to 11 years of age;
8 \$433 for a child 12 to 14 years of age; and \$452 for a child 15 years of age or over. In
9 addition to these grants for basic maintenance, the department shall make
10 supplemental payments for special needs, exceptional circumstances, care in a
11 treatment foster home, and initial clothing allowances foster care that are
12 commensurate with the level of care that the foster home is licensed to provide and
13 the needs of the child who is placed in the foster home according to the rules
14 promulgated by the department under sub. (8) (e).

15 **SECTION 112.** 48.62 (5) (a) (intro.) of the statutes is amended to read:

16 48.62 (5) (a) (intro.) Subject to par. (d), a county department or, in a county
17 having a population of 500,000 or more, the department shall provide monthly
18 subsidized guardianship payments in the amount specified in par. (e) to a guardian
19 of a child under s. 48.977 (2) or under a substantially similar tribal law or law of
20 another state who was licensed as the child's foster parent or treatment foster parent
21 before the guardianship appointment and who has entered into a subsidized
22 guardianship agreement with the county department or department if the guardian
23 meets the conditions specified in par. (c) 1. and 2. and if the child meets any of the
24 following conditions:

25 **SECTION 113.** 48.62 (5) (c) 2. of the statutes is amended to read:

48.62 (5) (c) 2. The A criminal history and child abuse record search is
conducted under s. 48.685 and the county department or department conducts a
background investigation under s. 48.57 (3p) of the guardian or interim caretaker,
the employees and prospective employees of the guardian or interim caretaker who
have or would have regular contact with the child for whom the payments would be
made, and any other adult resident, as defined in s. 48.57 (3p) (a), of the home of the
guardian or interim caretaker and determines that those individuals do not have any
arrests or convictions that are likely to adversely affect the child or the ability of the
guardian or interim caretaker to care for the child the requirements specified in s.

48.685 have been met.

SECTION 114. 48.62 (5) (d) of the statutes is amended to read:

48.62 (5) (d) The department shall request from the secretary of the federal
 department of health and human services a waiver of the requirements under 42
 USC 670 to 679a that would authorize the state to receive federal foster care and
 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of
 providing care for a child who is in the care of a guardian who was licensed as the
 child's foster parent or treatment foster parent before the guardianship appointment
 and who has entered into a subsidized guardianship agreement with the county
 department or department. If the waiver is approved for a county having a
 population of 500,000 or more, the department shall provide the monthly payments

under par. (a) from the appropriations under s. 20.437 (1) (ex), (ex), (kw), and (mxt).

If the waiver is approved for any other county, the department shall determine which
 counties are authorized to provide monthly payments under par. (a) or (b), and the
 county departments of those counties shall provide those payments from moneys
 received under s. 48.569 (1) (d).

XXXXX = 113 This is reconciled s. 48.62 (5) (2) This draft section has
 been affected by drafts with the following LRB numbers LRB 0292 and
 LRB 0884/20

1 **SECTION 115.** 48.62 (5) (e) of the statutes is amended to read:

2 48.62 (5) (e) The amount of a monthly payment under par. (a) or (b) for the care
3 of a child shall equal the amount received under sub. (4) by the guardian of the child
4 for the month immediately preceding the month in which the guardianship order
5 was granted. A guardian or an interim caretaker who receives a monthly payment
6 under par. (a) or (b) is not eligible to receive a payment under sub. (4) ~~or s. 48.57 (3m)~~
7 ~~or (3n)~~.

8 **SECTION 116.** 48.62 (6) of the statutes is amended to read:

9 48.62 (6) The department or a county department may recover an overpayment
10 made under sub. (4) or (5) from a foster parent, ~~treatment foster parent~~, guardian,
11 or interim caretaker who continues to receive those payments ~~under sub. (4) or (5)~~
12 by reducing the amount of the person's monthly payment. The department may by
13 rule specify other methods for recovering those overpayments ~~made under sub. (4)~~
14 ~~or (5)~~. A county department that recovers an overpayment under this subsection due
15 to the efforts of its officers and employees may retain a portion of the amount
16 recovered, as provided by the department by rule.

17 **SECTION 117.** 48.62 (7) of the statutes is amended to read:

18 48.62 (7) In each federal fiscal year, the department shall ensure that there are
19 no more than 2,200 children in foster care and ~~treatment foster care~~ placements for
20 more than 24 months, consistent with the best interests of each child. Services
21 provided in connection with this requirement shall comply with the requirements
22 under P.L. 96-272.

23 **SECTION 118.** 48.62 (8) of the statutes is created to read:

24 48.62 (8) The department shall promulgate rules relating to foster homes as
25 follows:

1 (a) Rules providing levels of care that a foster home is licensed to provide.
2 Those levels of care shall be based on the level of knowledge, skill, training,
3 experience, and other qualifications that are required of the licensee, the level of
4 responsibilities that are expected of the licensee, the needs of the children who are
5 placed with the licensee, and any other requirements relating to the ability of the
6 licensee to provide for those needs that the department may promulgate by rule.

7 (b) Rules establishing a standardized assessment tool to assess the needs of a
8 child placed or to be placed outside the home, to determine the level of care that is
9 required to meet those needs, and to place the child in a placement that meets those
10 needs. A foster home that is licensed to provide a given level of care under par. (a)
11 may provide foster care for any child whose needs are assessed to be at or below the
12 level of care that the foster home is licensed to provide.

13 (c) Rules providing monthly rates of reimbursement for foster care that are
14 commensurate with the level of care that the foster home is licensed to provide and
15 the needs of the child who is placed in the foster home. Those rates shall include rates
16 for supplemental payments for special needs, exceptional circumstances, and initial
17 clothing allowances for children placed in a foster home.

18 (d) Rules providing a monthly retainer fee for a foster home that agrees to
19 maintain openings for emergency placements.

20 **SECTION 119.** 48.625 (3) of the statutes is amended to read:

21 48.625 (3) This section does not apply to a foster home licensed under s. 48.62
22 (1) ~~(a) or to a treatment foster home licensed under s. 48.62 (1) (b).~~

23 **SECTION 120.** 48.627 (title) of the statutes is amended to read:

24 **48.627 (title) Foster, treatment foster and family-operated group home**
25 **parent insurance and liability.**